

**REMARKS**

Paragraph [0027] of the specification has been amended to correct a typographical error. Additionally, claim 1 has been amended to more clearly point out the subject matter that the applicant regards as his invention,

Claims 1 through 6 were rejected as anticipated by the Larsson '071 published application, in which the applicant is identified as the inventor. In that regard, the disclosure in that reference corresponds with EP '548, which was referred to in the Background of the Invention section of the present application. Additionally, and significantly, that EP publication was also cited in the International Search Report that was part of the Information Disclosure Statement filed herein along with the present application, and that reference was characterized by the international examiner as "not considered to be of particular relevance."

The present invention is directed to a method for distributing to different computer systems the execution of particular computer-based transaction steps, to enable a greater number of and more complex services to be efficiently handled. The transaction steps are determined by input information that relates to services desired by a caller, wherein the input information is identified in the computer system in the form of transaction references that are to be carried out in order to provide desired output information in response to the caller-desired services.

The Larsson '071 reference discloses ways in which a single computer operates to provide a desired service that is called in by a caller. But it does not disclose or even remotely suggest the invention as it is claimed in amended claim

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1. Although that reference discloses a system having one or more computers connected to one or more databases (Larsson, page 3, lines 2-5), as was noted by the examiner, it does not teach or suggest any interconnection or interaction between computers. More specifically, it does not teach or suggest the claimed step of initiating fetching of transactions in response to a telephone call that includes an information part coming to a first computer system, and transmitting the information part from a first computer system to a second computer system. Additionally, it also does not disclose or suggest the claimed execution of the transactions in one or more of the first and second computer systems based upon a transaction reference that is associated with the identity of the caller and the type of call received by the first computer system. And, significantly, it does not teach or suggest the claimed step of transferring a communications service to be executed and the information part to a computer system other than the call receiving computer system when transaction references identify predetermined transactions. Accordingly, the Larsson reference does not anticipate the invention as it is claimed in amended claim 1.

Regarding anticipation, in order for a reference to anticipate an invention as claimed, the reference must disclose each and every element recited in the claim. Indeed, the tests that must be met in order to warrant a conclusion of anticipation as expressed by the Court of Appeals for the Federal Circuit are quoted in MPEP §2131 as follows:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987)...."The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Thus, method steps recited in a claim, as well as other statements constituting limitations, which can, of course, be functional recitations, must be disclosed in the reference in order for a conclusion of anticipation to be warranted. And the disclosure contained in the reference must be such as to be sufficient to enable one skilled in the art to practice the claimed invention based upon the information contained within the four corners of the allegedly anticipatory prior art reference. The teachings of the Larsson reference, summarized above, fall short of meeting those judicially-mandated requirements that are necessary to warrant a conclusion of anticipation of the present invention as it is claimed in amended independent claim 1.

In addition to not disclosing method steps that are recited in amended claim 1, the Larsson reference also does not include the scope of disclosure necessary to enable one of only ordinary skill in the art to practice the claimed invention. In that regard, it has been held that:

For prior art to anticipate under 35 U.S.C. § 102(a) because it is "known," the knowledge must be publicly accessible, *Woodland Trust v. FlowerTree Nursery, Inc.*, 148 F.3d 1368, 1370, 47 USPQ2d 1363, 1365 (Fed. Cir. 1998), and it must be sufficient to enable one with ordinary skill in the art to practice the invention, *In re Borst*, 345 F.2d 851, 855, 145 USPQ 554, 557 (CCPA 1965). *Minnesota Mining & Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1301, 64 USPQ2d 1270, (Fed. Cir. 2002).

Thus, if a reference is urged to constitute an anticipation of a claimed invention, then one having only ordinary skill in the art should be able to provide

and to use the claimed method based upon the disclosure contained in the reference. But because the Larsson reference does not disclose each of the claimed method steps, there is not sufficient disclosure in the Larsson reference to enable one to practice the claimed invention. Consequently, the Larsson reference does not anticipate the invention as it is claimed in amended claim 1.

Claims 2 though 6 each depend directly from claim 1, and therefore each of those dependent claims also recites a method that is not anticipated by the Larsson reference, and for the same reasons as are given above in connection with independent claim 1.

Claim 7 was rejected as obvious based upon the combination of the Larsson and Nitta '601 references. In that regard, the Nitta reference discloses a different method involving computers, each computer having a different execution environment, and it includes an environment selecting unit that selects a computer that has software information capable of carrying out a particular program (see Nitta, Abstract). It neither discloses nor suggests those same method steps that are identified above as not disclosed by the Larsson reference. Thus, even if the references were to be combined in some way, the combination does not disclose or suggest the invention as it is claimed in amended claim 1, from which claim 7 depends.

In addition to the differences noted above, neither the Larsson nor the Nitta reference discloses or suggests the step claimed in claim 7 of distributing transaction references from the first computer system to the second computer system, wherein the second computer fetches from the transactions database of a

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respective computer system transactions for executing a service defined by the transaction references. Thus, again, even if the references were to be combined in some way, the combination does not disclose or suggest the invention as it is claimed in claim 7.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered alone or in combination. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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